The number of detention orders issued in 1990 was 214. The number of persons detained was 187. In 1991 orders were issued in respect of 112 persons. The number of persons detained was 93. In 1991-92, the number of detention orders issued was 98. The number of persons detained was 87.

Most of the Members who have participated in the debate have expressed that there was a nexus between the politicians and the drug traffickers. I would like to assure this agusut House that the Govenment is making sincere efforts to take action against any person, whosoever he may be.

Sir, some hon. Members have stated that there is no distinction between a trafficker and a carrier. But, under section 27 of the NDPS Act, there is a clear distinction between a carrier and a trafficker. And, we have arrested and taken action against two big drug-traffickers, Mr. Gurbux and Mr. Rai. They are facing trial before the court.

As I have already stated, I have come before this House only for a limited purpose. Even many of the Members who participated have said that in principle they are not against the continuance of section 10 of the Act. I appeal to the mover of the resolution to withdraw the resolution and support the Bill, so that it may be passed unanimously.

DR. JINENDRA KUMAR JAIN: Sir, in view of the hon. Minister's categorical assurance that the powers that he is taking from us through this Bill will not be misused, I would trust his assurance and would like to withdraw my motion of disapproval.

*The Resolution was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, I shall put the motion moved by Shri Chandrashekhar Murthy to vote.

The question is:

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI MD. SALIM): We shall now take up clause-by-clause consideration of the Bill:

*Clauses 2 and 3 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI M. V. CHANDRASHEKHAR MURTHY: Sir, I move:

"That the Bill be passed."

*The question was put and the motion was adopted.*

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## SHORT-DURATION DISCUSSION

**Recent Verdict of Swiss Supreme Court Relating to Bofors—*Contd.***

THE VICE CHAIRMAN (SHRI MD. SALIM): Shri Kamal Morarka.

SHRI KAMAL MORARKA (Rajasthan): Sir, at the outset, let me tell you.....*(Interruptions)*.....that Bofors has been discussed in this House for the last five years or six years. Four Governments have grappled with the Bofors problem and frankly, to the public at large, it has become a little boring. But, periodically, something new comes up for which a discussion becomes imperative. Presently, some Court in Switzerland has allowed another Court in Switzerland to give out the names of the account-holders.....(Interruptions).....in this transaction and that is why the present debate is taking place. Now, Sir, Mr. Ram Jethmalani .....*(Interruption)*.

SHRI VISHVJIT P. SINGH (Maharashtra): Not account-holders in this connection. The Court has not held that they are related to this transaction. *(Interruption)*.

SHRI KAMAL MORARKA: He is right. That is the defence which Mr. Hinduja is putting up.

AN HON. MEMBER: He has turned the tables against you, Mr. Singh.

SHRI VISHVJIT P. SINGH: This is the judgment of the Court. *(Interruptions)*.

SHRI KAMAL MORARKA: Mr. Hinduja has written a letter to all the MPs. I have also got the letter. It says what exactly my friend, Mr. Vishvjit is saying. *(Interruptions)*.

SHRI VISHVJIT P. SINGH: I have not been favoured by the letter of Mr. Hinduja.

SHRI KAMAL MORARKA: Oh, I didn't know that there are other means of communication than that letter! Now, the fact of the matter is that the Swiss Federal Court has allowed for the First time in the last six years that the names of those account holders and the information sought by the Government of India, should be given to the Government of India, which is a major development in this whole episode.

I do not want to go into the technicalities of Bofors. I am on an entirely different ground. There were four Governments dealing with this matter. The first Government, Rajiv Gandhi's Government, for obvious reasons, started the enquiry because the Opposition was trying to accuse Rajiv Gandhi himself. Though he started the enquiry, it is understandable that his approach to the enquiry had been with a different frame of mind because the Opposition, even before the enquiry, was trying to blame him. I must say to the credit of Mr. Rajiv Gandhi that he had come to the House and had allowed a discussion on Bofors not once but many times. He himself had made statements on Bofors and had answered clarifications. He himself had asserted that believe him or not, neither he nor any members of his family were involved. He had the courage of conviction to allow the enquiry, to come to the House and to face the public. Then came the V. P. Singh Government. The V. P. Singh Government came to power largely on the mandate that corruption in high places will be removed and Bofors was the main case. They immediately went into action and took all the necessary steps. Then came the Chandra shekhar Government. The Chandra Shekhar Government did not come into power on the basis of Bofors enquiry. When the matter was put up to him, he said, "Look here, the matter is being handled by the CBI. It is not a matter for the Prime Minister to personally handle." I have understood the approaches of all these three Governments to the Bofors issue. I have not understood the approach of the Narasimha Rao Government to the Bofors enquiry. *(Interruptions)*

SHRI V. GOPALSAMY (Tamil Nadu): One Member from your Ministry supported Tulsi, who tried to silence the voice of the CBI.

SHRI KAMAL MORARKA: The moment Mr. Tulsi's demeanour in the court was known to the Prime Minister, the matter was taken away from him. That is a matter of public knowledge. Sir, I am at a loss to understand as to what the attitude of this Government is to the enquiry for the last two years. Do you want the truth to be known? Or you don't want the truth to be known or are you indifferent to the truth? None of these three things is true. The approach of this Government is, let Bofors be on hold. Bofors is an instrument to be used to silence the criticism in your own party. Whenever there is destabilisation of the Government, whenever people who have been loyal to Mr. Rajiv Gandhi, appear to be dissatisfied, suddenly, Bofors comes up in the front pages of the newspapers. It is a message which is being used to silence people within their own party. This is most despicable. If you want Bofors to be enquired into as the V. P. Singh Government started, please go ahead. If you feel that an enquiry has to be scuttled, have the courage to say so in public and face the consequences. But for heaven's sake, in the process, don't distort the entire investigative machinery in the whole country. The Central Bureau of investigation in the last few years has become a screw driver of the Government. It is being meant to tighten screw on people whom they want to and to loosen screws wherever required. Now, for heaven's sake, the CBI is an investigative machinery. At one time, the Special Police Establishment, of which this is a successor, was know for its fearlessness. The SPE had a case in which a ruling Minister had been caught and the SPE was dreaded by all Government servants. When the CBI was formed, it was thought that it would be a much more powerful and effective investigative agency. Unfortunately, in the last two years, the CBI is seen, as I use the word again, a screw driver of the Government. Everybody knows, a case can be registered which does not have much weight in it. Another case which everybody knows is an open and shut case is put on hold. This is happening everywhere. I wish to put it to this Government if you are interested in the Bofors matter coming out, please don't tinker with the CBI. There are honest officers within the CBI and that brings me to the case of Mr. Madhavan.

We are not concerned. Officers come and officers go, Ministers come and Ministers go more frequently but the country goes on. It is highly improper especially for the ruling party or the Ministers to cast aspersions on their own officers. It has happened in the House. It is happening even now. The other day, one M. P., a back-bench M. P. of the Congress Party, referred to Mr. Madhavan and said, "An honest officer, according to the Opposition"——that was his phrase. It is an irony, Sir, today public opinion is that Mr. K. Madhavan of the CBI

and Mr. P. K. Gupta of the CBDT in the public eye are more honest in this country than this entire Government. I am not saying this with pride because, after all, the Government consists of parliamentarians. I identify myself with parliamentarians. We may belong to different parties but we are part of a political process. The minimum we owe to this political process is not to invite ridicule upon us. In my opinion, in the last two years the way this Government is functioning, specially in the cases of corruption, we are doing nothing except inviting ridicule upon us. You take the case of Harshad Mehta. What is Harshad Mehta? He is a petty share broker in Bombay. He has been able to do great deeds. You want the common man to believe that all that he did is without the connivance of bank officials or Ministry officials or Ministers.

Nobody would believe that. But what happens when the case comes? You say, CBI will enquire. You set up a JPC. You see the last one year's history. All efforts have been made to see that the JPC connot reach the conclusions expected of it. Documents were given to the JPC, obliterating some pages, overwriting etc. it has never happened before in the history of this country. Take the CBI; you see their officers. Today there is a Director of CBI. There is no Special Director, there is no Additional Director. There are straight seven Joint Directors. It has never happened before in the CBI. Never before in the CBI there has been such a vacuum at the top. This is not by accident. It is not that police officers are not available, it is not that officers who are known for integrity are not available in the country; it is a design that makes the CBI ineffective. Take the top post of CBI Director. On 31st January he was to retire. Till 31st January 4 o'clock, the whole CBI knows that the Director is retiring; the charge will be handed over probably to the next man. At 4 or 5 o'clock, in the evening, the Government announces an extension of six months! Why? A telephone call from samewhere to somebody. I do not want to give the names of people who are not present in the House, but the fact remains that a body like CBI does not deserve this treatment. An extension for six months, up to 31st July. What happens, Sir, in July, right up to when Parliament opens, that means on 26th July, is, there is no mention of who the CBI Director is going to be, at least on 25th or 26th. The file moves. The names proposed by the normal bureaucratic channels, the top police officers who know investigation, who, according to the norms laid down, are fit to be CBI Director their names are given. Suddenly another name from one State comes. The newspaper says, he is going to be appointed to be the CBI Director. Who is this gentleman? I do not want to cast aspersions. He must be an able police officer, but the people know that suddenly his name has come. Then what happens? These names go. One name is duly processed by the bureaucratic channel; another name suddenly appears. The people are waiting. Suddenly the announcement comes for a third name, from the home State of the Prime Minister. That by itself means nothing. But if you want an investigative agency to have a modicum of public respect, you cannot treat it in this manner. You have some norms of appointment. At least see to it that the people who are appointed at the helm of affairs are the people who evoke respect not only in the bureaucratic channels but in the public at large also, if possible.

Again the question of credibility comes. In the last days of our caretaker Government of Mr. Chandrashekhar a DIG of CBI was caught red-handed taking a bribe. A DIG of the CBI being caught redhanded taking a bribe, was put under suspension. He had banked crores of rupees, had a lot of assets all over the country. The CBI themselves had found crores of rupees worth of cash and other property.

If that is the position of a DIG of the CBI, how do we expect the public to believe that the CBI can investigate corruption? What action has been taken against him? Nothing. He used to work under another officer whose term expired and against whom also there were charges. That officer is still there. The CBI is the only investigative agency, whether it is Bofors or any other inquiry. If the CBI itself becomes a sick unit you will not be able to do anything. If the CBI is sought to be manipulated according to the whims and fancies of the Prime Minister in power, you will not be able to do anything. The CBI is not under the Home Ministry. It is under the Ministry of Personnel which the Prime Minister had directly. The Director of the CBI normally reports directly to the Prime Minister. So, there is no scope for bringing a scapegoat into the picture. What are the cases? You see the track record. Why I am raising these issues is that in the Bofors inquiry there is an AE Services whose accounts information is available with the Government for the last four years. We don't know what happened to it. Some information, which you already have, has not been processed. The only breakthrough you have made is that the Swiss are giving you the

information. What do you do with that information? It is still in your hands. If the CBI is not interested in processing that information, you will be back to square one. That is why I am mentioning the way the CBI is going about handling the cases. You take the different scams. They arrested a broker of a group. The other cartel was let out totally for 1½ years or two years. Now they are arrested. You take Mr. Krishnamurthy's case. His biggest crime was that he introduced Mr. Harshad Mehta to some bureaucrats and you have arrested him because his son has taken some loan. Everybody was raising the question of the Prime Minister's son. Now we don't expect the CBI to go and interrogate the Prime Minister. What is the machinery? After all, the law must be equal for everybody. There is again another history which their own Chief Minister, his Government, has created. Never before the Congress Government, has ever asked the CBI to go and interrogate any partymen. I am not saying that the partymen are above law. But, for the first time, the moment Mr. Bangarappa left the office, the CBI went and raided him. I am sorry, for 6 months when Mr. Bangarappa was in power there was a demand about some Classik Computers or something, I don't know the details. You don't take action. You don't change him. I don't know what your mind is, either you change or keep him. But what you are doing is the most despicable thing. Public knowledge is there that the party collects funds through him. Then the day you remove him he becomes a *pariah* and unleash the CBI on him. I don't think you are doing the right thing. Today you are in power, tomorrow somebody else will be in power. You cannot use the investigative agencies of the Government, the intelligence agencies of the Government and the revenue agencies of the Government to act on your political opponents. But this is a game which will not end. This is a game that anybody can play and, in my opinion, this is the most despicable game because you are playing this within your party. I don't know what you are trying to do.

I will just mention one or two points before I close. There was one case, the St. Kitts case. Now that case is still pending. That is a case where an officer of our Embassy in New York has been found to have given wrong certificates, found to have attested forgery or some other crime. He said, "I have done it under the orders of the Foreign Minister." The then Foreign Minister is on record. He says in a statement, "I have to do it because I got orders from a source I could not refuse." These are on record. I don't have to add that the then Foreign Minister now become the Prime Minister. I want to know whether the St. Kitts forgery case will be taken to its logical conclusion, whether the people who are involved—whether it is Chandraswami or the consul employed in New York——will be brought to book. Unless you can do that, I am afraid, the public confidence in your investigative agencies cannot be restored.

Similarly, in the last two years, I think, the workload of the CBI has increased far too much because the number of scandals in the last two years has crossed all the previous levels. You have the Harshad Mehta scandal; you have the PMS (Portfolio Management Scheme) scandal and now you have the PSU scandal, the disinvestment scandal. There are three scandals, all in the range of thousands of crores of rupees. Our conscience was shocked when Bofors matter came. Why?

There are two reasons. One, the amount involved was Rs. 64 crores—a stupendous figure in one transaction. The Defence portfolio was being held by the Prime Minister. So, our conscience was shocked. Everybody was up in arms. Today, the Prime Minister holds the Industry portfolio. Public sector shares are sold. The C&AG says, "They have been undersold by Rs. 3000 crores." It is an irony that we are still discussing Bofors because that matter is coming up again and again. I have risen to ask this Government that at this calculation——I am not so strong in calculations; I think there has been one Bofors a day or one Bofors a week——how can this Government investigate Bofors? It is a logical conclusion. If a scandal now has assumed the proportion of thousands of crores of rupees, I think, the CBI will not be able to investigate because the scam is such a technical matter that the CBI found it very difficult to investigate. You need the Reserve Bank or you need some other specialised body. I suggest that if this Government wants to remain in power, as they have managed in the last No-Confidence Motion, I think, they must create a machinery for economic crimes because it is an ongoing process. There should be a special machinery which can investigate the peccadillos of the Ministers of the Government which appears to be an ongoing process. I don't think that the CBI should be loaded. They have already been told to investigate Ayodhya. They have been told to investigate the Rajiv Gandhi murder case. Of course, they should investigate it, which

they are doing. They are investigating a lot of normal crimes, normal corruption, in the public sector. On top of it they have to investigate things which are given to them. They have to investigate crimes in high places, crimes in which by their duty they are called upon to interrogate or investigate people whom they are reporting to. Now this is a process which cannot continue. In Italy, there was one Magistrate named Dipitro. He decided enough is enough. He called the bluff of the entire system. The whole country was in turmoil. I think time has come when India needs a Dipitro. I think, anybody, however high and mighty, whether he is a Prime Minister or ex-Prime Minister, whether he is a Minister or ex-Minister, who is guilty of corruption must be brought to book. The Janakiraman Committee found, not I, that Rs. 12000 crores have been placed by different public sector undertakings in different banks. Sir, it is common knowledge that people who used that money paid one and a half per cent commission to place that money. Sir, Rs. 180 crores exchanged hands. For that we don't need any proof. The only information we need is, who paid Rs. 180 crores and who got Rs. 180 crores. It is very simple. The Government should tabulate a list of public sector undertakings who placed Rs. 12000 crores, names of the public sector officials who initiated the proposal and names of every officer, bureaucrat and Minister who has approved the proposal. It should be tabulated and made public knowledge by laying it on the Table of Parliament. Whenever this issue comes up, friends from the other side get up

**[The Vice-chairman (Shri Shankar Dayal Singh) in the Chair]**

and say that this process started in the previous Government. Sir, many of us have been in the previous Governments. With all responsibility I tell them, "Please, place all the facts on the Table of the House." Whoever has committed a crime, must take the rap. If there is anybody from the previous Governments, we have nothing to hide. There is no excuse in saying that this process started in the previous Governments. That cannot be a means to silence us. I can assure you that if any Minister has done wrong-doing in our Government or in the Governments previous to it, everybody in public life is answerable for his own deeds. There is collective responsibility of the Government. There is no collective criminality of the Government. Criminality is individual. Whosoever has done it, must take the rap. I need information only on two matters from them, if they believe in probity in public life. One is the Portfolio Management Scheme and the second is the promoters' quota shares. They have asked my friend, Mr. Chidambaram, to resign on some petty shares of Rs. 1 lakh or Rs. 2 lakhs which Mr. Ratanakar gave him. Well, he was very noble. He did not suspect that his resignation was going to be accepted on this flimsy ground. In good faith, in the highest standards of public life, he offered to resign. His offer to resign became a resignation accepted by the President by the evening I don't think a person like Mr. Chidambaram should have been eased out of the Cabinet. But it is the prerogative of the Prime Minister Having set that standard it is now imperative for the Government, all Ministers, all bureaucrats, all bank officials holding Promoters' quota shares to declare them. Please pass a law. We will pass it in the Parliament which will make it incumbent upon you to declare publicly what are the promoters' quota shares you hold ; who were the promoters ; how much shares he gave you and what is your holding.

It should be by law because if you have made one person a scapegoat, let it not go unrequited. Let it be known. Any of us holding the promoters' quota shares must declare it. Let us know who the bank officials are. The Finance Committee has asked the Ministry and the reply is, "information is being collected." I don't understand. This information can be collected by this evening. We know who the top people are, and they must declare. If they are reluctant to declare because under the law today they need not declare, let us pass a law saying that if anybody is holding public office and is accepting promoters' quota shares, under the Prevention of Corruption Act, this is corruption, and then the CBI will deal with it or if it is not corruption let it be so declared. Now about the State Bank of India's Managing Director, Shri Mahadevan, I rose here during Zero Hour one day saying that he was being appointed the Chairman while the JPC was functioning. The Finance Minister recommended him. Mr. Jacob came to the House and said, "He is not being appointed." I was very happy. The fact of the matter is that the Finance Minister had cleared his name but it got struck off later on. Now, the same Mahadevan continues as Managing Director and he is sacked, he is dismissed from service 4 days before his retirement. Now, what kind of a joke is this ? If you are punishing him for promoters quota shares then you should have done it

long back. But, now since you have punished him four days before his retirement, please give similar kind of punishment to all the others. Why are you singling him out? This singling out is the single biggest tragedy of this Government. They have singled out Mr. Harshad Mehta. I have no sympathies for Mr. Harshad Mehta and let there be no misunderstanding. But you have singled out Mr. Harshad Mehta and have taken out the spotlight from the rest of the bear cartels and other things. You singled out Mr. Krishnamurthy and have taken out the spotlight from the Prime Minister's sons. You are singling out Mr. Chidambaram and are taking out the spotlight from other Ministers. You singled out Mr. Mahadevan and have taken out the spotlight from other bankers. This kind of singling out is not only undemocratic but also improper and immoral. You can call it by any name you want. You name one person because you are in the Government. You name one person and the public thinks he is corrupt and by the same standards, much more corrupt people are sitting inside the Government. This is not correct. This is not fair. I want this Government to come clear of all these scandals and only then they will have a moral right to pursue Bofors. Till then, howsoever we on this side of the House may like the truth to come out, Bofors for this Government will remain a tool for stability. Every time their party becomes unstable they send a message to the Rajiv loyalists, "We have got Bofors in our hands" That is the only use of Bofors they are making and nothing else. Thank you.

SHRI SUKOMAL SEN (West Bengal): Sir, we have been discussing the Bofors affair for the last six years. Mr. Kamal Morarka has also said that although we have been discussing it for the last six years nothing has come out; on the contrary people are getting bored. True, I agree with it. People are also getting bored. But why? Do the people feel that Bofors should not be properly investigated or that truth should not come out? I don't think people say so. But people are getting bored because of the fact that people find that every alternate day one after another one scandal or the other comes out. One after another scandals are revealed before their eyes and each scandal and each corruption scandal in its dimension is much bigger and much more serious than the other. Sir, the Bofors scandal in terms of money amounted to Rs. 50 crores or Rs. 60 crores. But later on other scandals came to light. People got terribly shocked by the fact that in the PSU scandal more than Rs. 3000 crores are involved. In the banks scam more than Rs. 5000 crores are involved. People are shocked and feel, "What is this Bofors? It is only Rs. 50 — Rs. 60 crores". That is why people are getting bored. People are also thinking that corruption in high places—corruption in the higher echelons of the society—particularly at the political level, is a way of life. Sir, this feeling of the people, this boredom of the people, this Parliament must fight and the Government should see to it that people do not get frustrated. Otherwise people will end up believing that corruption has become a way of life in the higher echelons of the society. Sir, the point is, for the last six years this Bofors issue has been continuing. Why is it that the successive Government have failed to investigate and find out the truth? Why are we wasting the time here? We came to know about the Bofors scandal through the Swedish radio. It is not that our Government found out the truth. The actual sale took place in 1986. And it was only in June, 1987, through the Swedish radio broadcast, that the people of the whole world and we, in Parliament, came to know that something had happened. And then a note was handed over to our Ambassador in Stockholm by the Swedish Government on that.

Many revelations have come since then. And a JPC was appointed. I am not going to discuss about the scandalous episode of the JPC on the Bofors—how it acted, how it functioned and what its findings were. How well they tried to suppress the facts! When the facts are coming from the other part of the world, we find that from our side, from inside, attempts are being made to suppress the facts. We are discussing things on the basis of the facts given by the Swiss Federal Court. Has any step been taken by our Government, on its own, to get at the truth? Now, Mr. Morarka also was asking as to what the present Government was doing. The present Government has been functioning for more than two years. It is really a question as to what it has been doing during the last two years. We have come to know that the seven agents who were accused in the case went to the Swiss Federal Court and they tried to prevent the Court from sending the information to India. And this fact is coming out from abroad as it came out in 1987. It is a fact that we have come to know about the Bofors scandal from Martin Ardbo's diary. He has written about the relationship between Q and R. All these facts have become evident from the foreign documents, from the foreign courts and from the foreign radios and televisions and not from our side. Mr. Morarka said about the CBI. I am not

here to blame the investigative agency of the country. I am to blame the Government. Had this Government any political will to unravel the truth? They may say that during these six years, this must have been done by the other Governments also. The Chandra Shekhar Government was there for few months and, before that, the V. P. Singh Government was there for several months. But what about the preceding two years and what about the last two years? The present Government must have discovered the facts by now. What has it done in the last two years? It has not done anything during these two years. Here lies a question. A big question arises as to why this Government is unwilling to do it... (*Interruptions*).

SHRI G. G. SWELL (Meghalaya): It sent a letter through Mr. Solanki.

SHRI SUKOMAL SEN: Why is this Government unwilling to do it? It means that it has something to hide. The Hindujas and Quattrochi went to the Swiss Federal Court to prevent it from sending the information to India. Why did they go? Unless they have something to hide, unless they have something to lose, they would not have gone to the Swiss Federal Court. They have gone there. They have issued rejoinders, they have issued rebuttals, saying that they have nothing to hide. The Hindujas are sending letters to MPs — at least I have got a letter—saying that they have nothing to hide and that they are not involved in this criminal activity. Then what for did they go to the Swiss Federal Court? Why would I go to a court for preventing the flow of information unless I am guilty? All these seven agents who have been accused are guilty. That is why they went to the Federal Court. Now it is not only a question of these seven agents; there is also the Solanki affair. When that note was handed over, except for relieving Mr. Solanki of his portfolio, what steps has the Government taken? This Government should have resigned immediately at that time itself when the handing over of a note by Mr. Solanki was revealed by some Pressmen. These are shameful episodes. If we piece together all these bits of information, we have to inevitably come to the conclusion that this Government has many things to hide and some people in this Government are definitely responsible for this. Our late Prime Minister, Mr. Rajiv Gandhi, was assassinated in a very, very tragic manner. The whole country was overwhelmed with shock. People still remember this gory episode with shock and with a sense of bereavement. But, Sir, it does not mean that whatever has been committed or omitted during the regime of the former Prime Minister who was tragically assassinated we should forget; it does not mean that today we should forget everything. Sir, we cannot forget everything. In August 1987, the late Rajiv Gandhi announced in both the Houses that his family was not in any way involved in this scandal and if anybody was found to be involved in this scandal, whatever position be might hold and however high and mighty he might be, he would be caught and punished. This announcement came in August 1987. It was on the 6th of August, 1987, and today, it is the 16th August, 1993. Today, six years later, we find that this Government of India, whose former Prime Minister loudly proclaimed in this House that the truth would come out and the guilty would be punished, has done nothing. During the last six years, what has this Government done? Can I ask the honourable Ministers who are sitting here or the Minister in charge who will reply to this debate as to what this Government has done during the last six years? And why, after the loud announcement by the late Rajiv Gandhi, nothing has been done as yet? And, Sir, while today we are discussing this issue, the Swiss Federal Court has given some information. The question is that Quottarochi's name has come, Hinduja's name has come out... (*Interruptions*)...

SOME HON. MEMBERS: It is not "Hindu", but "Hindujas"... (*Interruptions*)...

SHRI SUKOMAL SEN: Yes, they are Hindujas. I know you are communal and that is why you always talk of the Hindus and Hindutva!... (*Interruptions*)...

Now, Sir, this Quottarochi and the Hindujas have gone to the Court. Why have they gone to the Court? Who are they? Now, if Mr. Quottarochi, who is the head of a foreign multinational here, a very powerful multinational here, a top official of a multinational operating in India, is involved in such matters and if he goes to the Swiss Federal Court to prevent the flow of some information from that country to this country, what does it mean? It means that this foreign multinational headed by Mr. Quottarochi is deeply involved in this scandal. Otherwise, what business has he got to go to that Federal Court? The Hindujas and all others have some interest. Now, Mr. Quottarochi has issued a rejoinder saying that he is innocent, but that man has left this country and has gone to Italy! Win Chadha was allowed to go and this man also has been allowed to go and

leave this country! And, who is this Quottarochi? Can anybody deny or rebut the fact that Mr. Quottarochi is a personal and family friend of a particular dynasty here? Who does not know that Mr. Quottarochi was a family friend of the late Rajiv Gandhi and his family? Who does not know this and who can deny this? Nobody can deny that. Now, when the late Rajiv Gandhi declared in this House on the 6th August, 1987, that whoever was responsible for this scandal would be caught and punished, what has happened? It is now found that one of his closest family friends was responsible for this scandal and now he has fled this country! And, what has this Government done?

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): What was your V. P. Singh Government doing? ... (*Interruptions*) ...

SHRI SUKOMAL SEN: Quottarochi's name has come only now ... (*Interruptions*) ...

SHRI V. GOPALSAMY: It is because of Mr. V. P. Singh only that the truth has come out now ... (*Interruptions*) ...

SHRI SUKOMAL SEN: It has been revealed only now ... (*Interruptions*) ...

SHRIMATI JAYANTHI NATARAJAN: It is in bad taste ... (*Interruptions*) ...

SHRI SUKOMAL SEN: The names of seven persons have come now. It is not in bad taste to mention the name. If it is bad taste, then the bad taste is to hide the truth also ... (*Interruptions*) ...

**5.00 P.M.**

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : जयन्ती जी, इस तरह से बीच में न बोलिये।

SHRI VISHVJIT P. SINGH: Will you please yield for a minute?

SHRI SUKOMAL SEN: I am not yielding. (*Interruptions*).

SHRI VISHVJIT P. SINGH: Sir, as I said in my speech, this is not for the first time that the names have come out. The name of Mr. G. P. Hinduja came out in a Swiss court judgment. He was shown as an appellant in one of the cases way back during the time when Mr. Vishwanath Pratap Singh was the Prime Minister of this country. He never took any action.

SHRIMATI JAYANTHI NATARAJAN: Why?

SHRI VISHVJIT P. SINGH: Why? And the reason is very clear. It is because merely being an appellant in any case does not mean that you are involved ...

SHRI V. GOPALSAMY: You are misleading the House.

SHRI VISHVJIT P. SINGH: I am not misleading. (*Interruptions*). The name of Mr. Hinduja was referred at that time also by the Federal court. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Please take your seats. This is not the way. Please take your seats.

SHRIMATI JAYANTHI NATARAJAN: Mr. Vice-Chairman, Sir, everyday, we can talk about everybody else's family?

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I am not allowing anybody ... (*Interruptions*). What is this? This is not the way. You both are senior Members of this House.

SHRIMATI JAYANTHI NATARAJAN: That is why I am protesting.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Please take your seat. This is not the way at all. (*Interruptions*). Please take your seats.

SHRI V. GOPALSAMY: This is the tactics they adopted in Switzerland. This is the tactics which they are adopting now.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no. Please take your seat. (*Interruptions*).

SHRI VISHVJIT P. SINGH: The hon. Member should be aware that that Government was supported by his Party at that time.

SHRI SUKOMAL SEN: Perhaps, the hon. Member ... (*Interruptions*).

SHRI V. GOPALSAMY: That Government registered the case, but not your Government.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Gopalsamy, your turn is coming. You speak when your turn comes.

SHRI SUKOMAL SEN: Perhaps, the hon. Member does not know that Mr. Solanki was not the Foreign Minister of the V. P. Singh Government. He was the Foreign Minister of

this Government. And he handed over the note to his Swiss counterpart, (*Interruptions*). This has not happened in the other Government. This happend in this Government. (*Interruptions*).

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : जयन्ती जी, आपसे मैं प्रार्थना करूंगा कि इनको अपनी बात समाप्त कर लेने दीजिये । देखिये यह कोई तरीका नहीं है । (*Interruptions*)

SHRI SUKOMAL SEN: You cannot suppress the truth by shouting.

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : आप ऐसा क्यों कर रही हैं ? . . . **(व्यवधान)** . . .

SHRI SUKOMAL SEN : Previously, I had an idea . . .

SHRIMATI JAYANTHI NATARAJAN: When Mr. Morarka spoke, nobody interrupted. If he wants to tarnish the image of somebody who is dead, we will not allow him to do that.

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : आप इंटरेप्शन क्यों कर रही है । कोई जरूरत नहीं है . . . **(व्यवधान)** . . . देखिये मेरी बात सुनिये । जिनका टर्न आयेगा वे बोलेंगे, आप बैठिये और मैं आपसे कहूंगा कि आप कन्क्लूड करें ।

SHRI SUKOMAL SEN : Sir, previously I had an idea that Mrs. Natarajan was a good lawyer. Now I am disappointed. The seven agents came out in true colours when they went to the Swiss Federal Court.

SHRIMATI JAYANTHI NATARAJAN: What about Jyoti Basu and his family ?

SHRI SUKOMAL SEN : What is this ? How is it relevant ? (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no. Please take your seats. (*Interruptions*). Please take your seats.

बिना मेरी अनुमति के जो भी बोलेंगे वह रिकार्ड पर दर्ज नहीं होगा । हजारत मैंने इनको दी है । . . . **(व्यवधान)** . . . बीच में आप नहीं बोल सकती हैं, यह कोई तरीका नहीं है । मैं खड़ा हूं और आप तब भी बीच में बोल रही है । सुकोमल सेन जी बोल रहे हैं । आप अपना नाम दीजिये मैं आपका नाम पुकारूंगा । लेकिन यह कोई तरीका नहीं है । सुकोमल जी आप अपनी बात पूरी करें यह मैं आपसे अनुरोध करूंगा ।

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT KUMAR PANJA): Sir, if the name of Rajiv Gandhi's family is taken by any hon. Members and the hon. Member now speaking, I must be allowed to speak about Jyoti Babu and his family.

SHRI V. GOPALSAMY: What is the connection ?

SHRI SUKOMAL SEN: What is the connection ?

SHRI V. GOPALSAMY : This is a debate on Bofors. The name of Quattrochhi has come out. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no. Please take your seats. (*Interruptions*). Please hear me. Mr. Sen, you don't indulge in replying to their interruptions.

SHRI MD. SALIM: They should be ashamed . . . (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Please take your seat.

SHRI SUKOMAL SEN : The cat is out of the bag now. As soon as I pointed out the responsibility for the scandal and corruption, immediately they got up and took up an irrelevant issue which has no relevance to this discussion . . . (*Interruptions*)

SHRI AJIT KUMAR PANJA: We want to protest against this. (*Interruptions*)

SHRI SUKOMAL SEN : Are you a lawyer or something else ?

**विपक्ष के नेता (श्री सिकन्दर बख्त)** : जनाब सदर साहब, मैं आनरेबल मेम्बर की खिदमत में यह अर्ज करना चाहता हूं **(व्यवधान)** अगर यह गलत बोल रहे हैं तो मैं अर्ज करूंगा मुनासिब वक्त पर खड़े हो कर गलत साबित कीजिये मगर यह इंटरप्शन से कभी गलत साबित नहीं हो सकता **(व्यवधान)** बोलिये, जरूर गलत साबित कीजिये लेकिन मेरी गुजारिश यह है **(व्यवधान)** मैं तो सजदा कर दूंगा **(व्यवधान)** ।

نیتا ورودھی دل "شری سکندر بخت"
جناب صدر صاحب۔ میں آنریبل ممبر کی
خدمت میں یہ عرض کرنا چاہتا ہوں . . .
" مداخلت " . . . اگر وہ غلط بول رہے ہیں
تو میں عرض کروں گا مناسب وقت پر کھڑے

ہو کر غلط ثابت کیجئے مگر یہ انٹرپشن سے
کبھی غلط ثابت نہیں ہو سکتا ..."مداخلت"..
بولئے ضرور غلط ثابت کیجئے لیکن میری
گذارش یہ ہے .. " مداخلت " . . .
میں تو سجدہ کر دوں گا ۔ . .

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : सिकन्दर बख्त जी आप बैठिये । सुकोमल सेन जी को अपनी बात पूरी करने दीजिये । बीच में इंटरप्शन न करें ।

SHRI SUKOMAL SEN : Sir, I consider her a lawyer, not a liar. If anybody wants to pay respect to their former leader, the former Prime Minister, it should be their effort to clear him of all the accusations of being guilty. They should prove that our former Prime Minister who was assassinated in tragic circumstances, and his family is free from all accusations of guilt and they should prove that they have no involvement in the Bofors case. They should prove it. But for the last two years, they have not taken any steps, and now they shout here. His death was a national loss; it was a loss to everybody. It was a matter of shock. It was not only their loss, it was a national loss. And we raise this issue of corruption because corruption has become a way of life for these people, whether it is the case of Bofors, whether it is the case of disinvestment of shares, whether it is the bank scam; everywhere their persons are involved.

I would like to conclude but they should not obstruct me. The point is, these persons have gone to the court. Their guilt has been proved by their own action. Unless they are guilty, they would not have gone to the court. I would like to know from the hon. Minister first of all, as to why they allowed Win Chadha to flee the country. Then, after the name of Quattrocchi was given out by the Swiss Federal Court, why was he allowed to leave the country along with his family? After the Swiss Federal Court has given out the truth, what is the Government doing to procure those documents which the Federal Court are eager to give to the Government of India? They are eager to give those documents and the information to enable the Government of India to find out the truth. What steps has the Government of India taken to seek the assistance of the Swiss Federal Court to take over those documents and how far have they activated the C.B.I. to go into the details and identify the guilty? I would like to know about this person, Quattrocchi again. He belongs to a multinational company. It is a national humiliation; it is a national insult and it is a danger to the national security also when we find a foreign multinational stationed in India having secured many lucrative orders from the Government of India, operates by taking part in scandals and cases of corruption and they have been named as agents for the Bofors who have taken money. How dare they do so? I would like to know from the Government whether they would throw out such type of people from this country. I would like to know whether they are prepared to throw out of the country such type of multinationals who dare to conspire against the country and who dare to take bribe in a deal between the Government of India and the Bofors. How dare they do it? Therefore, I would like to know whether the Government would take action to throw them out.

Finally, now that the truth has come out, now that this verdict has been given by the Swiss Federal Court, by when will the Government come out with all the facts before Parliament and fix the responsibility on those persons who are guilty of swallowing this money, who are guilty of taking this bride? I would once again remind the treasury benches of the declaration of late Shri Rajiv Gandhi on 6th August, 1987, that however mighty or high a person may be, he would be punished. I would like to know whether the Government is going to punish them.

SHRI MADAN BHATIA (Nominated) : Mr. Vice-Chairman, Sir, as one hon. Member from the other side said, Bofors has been a subject-matter of discussion in Parliament, in this House, for the last almost six years. Bofors was discussed in this House almost a year ago. I ask myself the question as to what is the provocation for discussing the Bofors again, after a lapse of one year. Is it . . . (*Interruptions*) I have listened to you carefully. Now, please allow me to speak. Is it because the Government has been guilty of any act of commission or omission in the last one year as a result of which it has become necessary to have this discussion? Many allegations have been made against the Government. It is said that the Government is not interested in carrying out the investigation into the matter of Bofors. These allegations were made more than a year ago also when Bofors was discussed in this House and they were effec-

†[ ] Transliteration in Arabic script.

tively refuted. Nothing new has happened, so far as the Government is concerned, in the last one year from which it can be said, or, on the basis of which any allegation, possibly, has been made from the other side that, in the last one year, the Government has committed this act of commission or this act of omission as a result of which the Government has been accused of not being interested in carrying out the investigation into Bofors.

Secondly, allegations have been made against the C.B.I., against some officers of the C.B.I. They are not in this House to defend themselves. It is very easy to make allegations. But I ask myself, what is it that the C.B.I. has not done in the last one year as a result of which the C.B.I. is deserved to be put into the box of an accused and to be charged that 'You have not done this thing and, therefore, it has become necessary to indict you before this House by means of this discussion'. There is no such allegation on the part of any hon. Member from the other side against the C.B.I., or, against any officer of the C.B.I., that the C.B.I. was expected to do this particular thing, it did not do it in the last one year and, therefore, the C.B.I. is deserved to be indicted. There is no such allegation.

That is why, Sir, I wonder myself as to what is the necessity for this discussion. Is it because the Federal Court of Switzerland has dismissed some appeals which were filed by various individuals against the lower court on the basis of which some bank accounts of some individuals had been frozen? Are we holding this discussion in order to express congratulations to the Court of Appeal, or, the Federal Court of Switzerland? I do not find a single word uttered by way of congratulations to the Federal Court of Switzerland which would justify the holding of this discussion. Possibly, they would not have come forward with a word of congratulations to the Federal Court of Switzerland because they were pursuing only the appeals before the Federal Court as against those appellants. Who wanted their appeals to be allowed? It was this Government and the CBI who were interested that the appeals should be dismissed, and those appeals have been dismissed. In the last one year this is the performance of the CBI and of the Government. I say last one year because the debate on Bofors took place a year ago and during this interregnum the performance of the Government and the CBI are manifested by this momentous development, namely, that all the appeals which were filed by various individuals against the lower courts are dismissed by the Federal Court, making the way clear for the availability of the various documents which would be relevant for the purpose of further investigation into the Bofors case. Is it a matter to indict the CBI or the Government, or is it a matter to congratulate the CBI and the Government? I ask the hon. Members to put this question to themselves before they proceed further.

Sir, the provocation of this debate is not an act of tardiness on the part of the Government or CBI. The provocation for this debate is not to express any congratulations to the Federal Court of Switzerland. The provocation of this debate, as has come out during the course of the speech made by the last Member, is that among the names which have been revealed of the persons who filed appeals, the name of Quattrocchi comes in and the hon. Member has said, "Quattrocchi had deep friendly relations with Mr. Rajiv Gandhi." The cat is out of the bag. The whole sinster purpose of this discussion is to reach the slain leader, who laid down his life for the sake of this country, through the instrumentality of Quattrocchi. Quattrocchi is being used merely as a stalking horse, as a facade, for the purpose of beating Mr. Rajiv Gandhi and maligning him when he is dead and is not here to defend himself before this hon. House. When I was a school boy, I had been taught a famous Greek teaching which means, of the dead speak not the evil. I am not here to teach morality or political morality to the hon. Members on that side. Those who are responsible for almost abetment of the assassination of Mr. Rajiv Gandhi by withdrawing the security to him of the SPG, from the persons of that ilk and of that mentality I expect that political morality, and I leave it on that. But I must point out that this is the real sinster purpose of this whole discussion. So, I am left with no choice but to deal with the truth. I have never had an occasion to talk to this gentleman. Since he is merely a facade through whom they are trying to reach my slain leader, over whose ashes they are staging this macabre dance. I must come straightway to the allegation against Quattrocchi. This FIR was launched on 22nd January, 1990. This FIR, it must be understood, was not based upon any investigation conducted by the CBI. It was a document compiled from the various reports which had been published by the newspaper, The Hindu, the extracts of the JPC, the statements which were made by the Bofors officers before the Swedish National Audit

Bureau and before the JPC. It was a compiled document. Never before in the history of the CBI has such an FIR been lodged. The normal procedure of the CBI is that first it registers a preliminary enquiry—P.E., as it is called. It is followed by its own investigation. If on the basis of its own investigation it finds some case that some offence has been committed—on the basis of its own investigation—then an FIR is lodged. But here we find an FIR lodged, which is not based upon any investigation by the CBI but which is merely a compilation of the various extracts taken from the newspapers and from the various published reports. Why was it done?

It was because on 31st December 1989 the Prime Minister of the country at that time made a statement, "We are going to lodge an FIR." He took it out of his head that an FIR has to be lodged . . .

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): Point of order . . .*(Interruptions)* . . .

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, I am not allowing any point of order.

SHRI TINDIVANAM G. VENKATRAMAN: So far as we know, investigation by the CBI as well as the police is the same. It is not separate.

SHRI M. M. JACOB (Kerala): Let us listen to the debate.

SHRI MADAN BHATIA: Sir, what was the conduct of the hon. Prime Minister at that time? The Prime Minister who was wearing his watch, was at public meetings saying, "This watch contains the number of the bank account of Mr. Rajiv Gandhi in Switzerland and I am going to disclose this number in Parliament at an appropriate time." This was the background of the then Prime Minister who made an announcement on 31st December after assuming power, that he was going to lodge an FIR.

SHRI V. GOPALSAMY: No. . . .*(Interruptions)* . . .

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Don't interrupt him, no. . . .*(Interruptions)* . . . This is not the way.

SHRI V. GOPALSAMY: But he did not say Rajiv Gandhi . . .

SHRI MADAN BHATIA: I never interrupted you. It may not be palatable to you, but please allow me.

SHRI V. GOPALSAMY: Mr. V. P. Singh never said like that.

SHRI SOM PAL (Uttar Pradesh): Mr. V. P. Singh never said like that.

उपसभाध्यक्ष महोदय, यह गलतबयानी कर रहे हैं । यह कभी नहीं कहा गया ।

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You are going to speak after him.

SHRI MADAN BHATIA: As soon as this FIR was lodged on the 23rd of January, an officer of the CBI—I would not like to name him—flies straight to Switzerland and gives a letter—I would not call it a letter of request because a letter of request is a technical term: a letter of request has to be issued by a court; there was no order of the court—and without any order of the court he gives a letter to a police officer over there and says that the bank accounts of the persons named in this letter should be frozen. This was on the 23rd of January, without any investigation, without any order of the court. But I am not on that. There was the letter—this is most important—of 25th of January. When he is sitting in his room in the hotel, he receives a message from his political mentors in Delhi, "This is not enough; you have to give more names for the purpose of having their accounts frozen." And then, on the 25th of January, he gives another letter. And whose accounts does he want to be frozen? He says, "Please freeze the accounts which are in the name of or operated by Pitco, Moresco, Moineau S. A., Svenska, AE Services Ltd., Anatronic General Corporation, WN Chadha, Harish Chadha, G. P. Hinduja, Prakash Hinduja, Sangam Ltd., Myles Scot, Major Wilson, Quattrochhi, Amitabh Bachchan, Ajitabh Bachchan, Lafond, Bernard Meir, Marshi and Ardbo." Sir, these are the names which were given in the letter two days later. There was no investigation yet after the lodging of the FIR, and there could possibly be no investigation within 48 hours, 24 hours when this letter was given. What does the FIR say? What does the material on which the FIR was based, say? The FIR in terms stated that there were only four agents who acted as intermediaries in the Bofors contract, and the FIR named those agents. The FIR said that the intermediary agents in this case were Svenska, Pitco, otherwise named as Moresco, otherwise named as Moineau and A. E. Services Ltd. It said that so far as Win Chadha is concerned, before

Svenska was born, he was operating through Anatronic General Corporation. So, who are the intermediaries? One was Svenska. The FIR says that Svenska was a front company of Win Chadha. This is very important. Svenska was only a front company of Win Chadha. Then, Pitco or Moresco or Moineau. These are the three names of the same company.

SHRI V. GOPALSAMY : On which side you are arguing. I don't understand.

SHRI MADAN BHATIA : The FIR says that this company was connected with G. P. Hinduja and nobody else.

The third is the A. E. Services. So far as the AE Services are concerned, the FIR gave its connection at page 56 of the FIR. The report of the JPC says that CIAOU Anstalt Vaduz is the holding company of AE Services Ltd. In the AE Services Ltd. itself one share each is held by Mr. Stott and Mr. Zumbrunnen while 98 shares are held by Division Beneficiaries Accrediteurs Ltd., Hutchison House, Hongkong. Then it says in a deed of declaration which was made by this company, the names of Wilson and Stott figured. So, according to the FIR and the material on which it was based, these were the intermediate agents.

Then the FIR goes on to say—this is more important—that the amount was paid by Bofors to the accounts in Switzerland, belonging to these persons, and those persons were named. I will give those names. It said that the commission was paid into these accounts :

First, the account of Svenska.
Second, the account of AE Services Ltd.
Third, the account of Pitco care of G. P. Hinduja.
Fourth, the account of Pitco care of Sangam Ltd.

This was also a company of G. P. Hinduja.

Fifth, the account of Lafond.
Sixth, the account of Marshi.
Seventh, the account of Meir.

These were the accounts which were specifically mentioned in the FIR. The letter which I have read out before you, Sir, contains all these names which were mentioned in the FIR, except three names. What are those three names incorporated in this letter as a result of the instructions received from political mentors in Delhi? Those three names were Amitabh Bachchan, Ajitabh Bachchan and Quattrocchi. These three names did not figure at all either in the form of an accused or in the form of their holding any account in Switzerland or in the form of their association with any company to which allegdly any amount was paid by Bofors. All other names figured in the FIR, but not these three names—the name of Amitabh Bachchan, Ajitabh Bachchan and Quattrocchi. Why were their names included? I submit, Sir, their names were included as a result of the political malice and political chicanery of the political mentors, who are sitting in Delhi and pulling the strings of the CBI Officers sitting in hotels in Switzerland. What was the justification for putting these names? This is the crux of the case. Now, Mr. Quattrocchi was taken by surprise when his account was frozen. Supposing, Sir, Madan Bhatia has misappropriated certain funds and put those funds in his account in the State Bank of India. And it is Mr. Jacob's account in the Commercial Bank which is frozen. . . . (*Interruptions*)

SHRI V. GOPALSAMY : Sir, why are you putting him into trouble?

SHRI MADAN BHATIA : Mr. Jacob is taken by surprise. He asks why his account has been frozen. Will he not have the grievance to file an appeal and say, "Why have you frozen my account? I don't figure in the FIR; it has not been the allegation in the FIR that any amount from the account of Mr. Bhatia has been passed on to my account. On what basis have you frozen my account?" This is the grievance with which Mr. Quattrocchi filed an appeal that all this is political vendetta, political malice. On what basis has it been frozen? "The only basis on which the letter has been given is the FIR. Go through the same and let me know where I figure. How do I figure? How can you freeze my account?" Would it be said that if he has filed an appeal, he becomes a suspect? I respectfully submit if any person in place of Mr. Quattrocchi had been there, * * * * and if he had filed an appeal, the whole House would have stood up to protect his right to move the court against such political vendetta.

SHRI KAMAL MORARKA : Sir, let me correct him. * * cannot be in that position, because he will be guilty of FERA violations. * * could have a Swiss bank account. Mr. Quattrocchi is a foreign national. So, don't say * *

SHRI V. GOPALSAMY : Sir, the hon. Member is totally incorrect. It will amount to violation of FERA.

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* Expunged as ordered by the Chair.

SHRI KAMAL MORARKA : Sir, I strongly object. Take it out of the record. It is casting aspersions on the Members of the House.

SHRI MADAN BHATIA : Certainly not.

SHRI KAMAL MORARKA : Why certainly not ? Are you withdrawing ?

SHRI MADAN BHATIA : I have not cast any aspersions.

SHRI KAMAL MORARKA : Are you withdrawing the aspersions on the Members of the House ?

SHRI MADAN BHATIA : No.

SHRI KAMAL MORARKA : He is not withdrawing. (*Interruptions*) You cannot refer to * (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Madan Bhatia Ji ... (*Interruptions*) Please take your seat. Please here me first. (*Interruptions*).

SHRI KAMAL MORARKA : Sit down. I say, learn manners.

SHRI MADAN BHATIA : You sit down first. ... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Please hear me. ... (*Interruptions*). What are you doing now? (*Interruptions*) At 5.30 ....

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Sir, let us be very clear. Let him finish his speech. Earlier also when the other Members were speaking ... (*Interruptions*).

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : साढ़े पांच बजे . . . (**व्यवधान**) . . . सुनिए, सुनिए, जम्मू कश्मीर में किलिंग की स्टेटमेंट है । . . . (**व्यवधान**)

SHRI MADAN BHATIA : I have the highest regard and respect for all the hon. Members.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : I am not asking about regard or anything. I am talking of the procedure of the House. Now, at 5.30 the Minister is going to make a statement.

SHRI MADAN BHATIA : I will be closing, Sir.

**श्री सत्य प्रकाश मालवीय** : उपसभाध्यक्ष जी, पहले इन्हें बैठ जाना चाहिए । आप चूंकि बोल रहे हैं, कमल मोरारका जी रीक कह रहे हैं कि इन्हें बैठ जाना चाहिए । . . . . (**व्यवधान**) . .

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : आप मेरी बात सुनिए । दो बातें मैं आपसे कहना चाहता हूं । मदन भाटिया जी, आपने एक बात जो कही

उसने अगर किसी मेंबर को हर्ट किया है . . . . . (**व्यवधान**) देखिए, उसमें कोई . . . . (**व्यवधान**)

SHRI KAMAL MORARKA : He has to sit down. Please discipline him. When you are on your legs, he is also standing. He is defying the Chair. . . *(Interruptions)*. . . .

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : First you go back to your seat. . . .*(Interruptions)*. . . .

आप सुनते क्यों नहीं हैं ? आपने अगर कोई ऐसी बात कही है जिससे सदन के माननीय सदस्यों को ठेस पहुंची है तो इसमें कोई ऐसी बात नहीं है, आप उसको वापिस ले लीजिए । . . . . (**व्यवधान**) मेरी बात सुनिए । दूसरी बात, मैं आपसे यह अनुरोध करूंगा कि इस सदन में साढ़े पांच बजे एक बहुत इम्पोर्टेंट विषय पर स्टेटमेंट होने को है । मैं आपसे यह भी अनुरोध करूंगा कि उसमें कोई कंट्रोवर्सी का सवाल नहीं है । इसलिए अगर किसी मेंबर को तकलीफ हुई है तो आप इसको वापिस ले लीजिए । आप दो मिनट के अंदर अपना भाषण समाप्त करिए ।

SHRI MADAN BHATIA : I will continue my speech tomorrow.

SHRI KAMAL MORARKA : I am on a point of order.

SHRI V. GOPALSAMY : I am also on a point of order.

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : पाइंट आफ आर्डर भी आपका तब होगा जब मैं बैठूंगा, अभी तो मैं खड़ा हूं । इसलिए आप बैठिए । मदन भाटिया जी, आपसे मेरा अनुरोध है कि अगर आपकी कुछ बातों से माननीय सदस्यों को आपत्ति हुई है, सदन की गरिमा को अगर ठेस पहुंची है तो आप उसे वापिस ले लें । मैं समझता हूं कि इसमें ऐसी कोई बात नहीं है । मैं समझता हूं कि आपको . . . . (**व्यवधान**)

SHRI M. M. JACOB : Kindly see the record as to what he has said.

SHRIMATI MARGARET ALVA : If he has said anything unparliamentary you please expunge it.

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* Expunged as ordered by the Chair.

* Expunged as ordered by the Chair.

SHRI MADAN BHATIA : I have rather praised the hon. Members. I have said .... *(Interruptions)*.... would stand up in defence of any Member who asserts his right.... *(Interruptions)*.... to protect his right. I have rather said this.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Mr. Bhatia, I am protecting you and also the hon. Member. Mr. Kamal Morarka, what is your point of order?

SHRI MADAN BHATIA : I have rather praised this hon. Member. They are right to protect each and every Member.... *(Interruptions)*.... I can't help it.

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : आपका पोइंट आफ आर्डर क्या है ?

SHRI KAMAL MORARKA : Sir, the matter is serious. I would just invite your attention. The Leader of the House is here. I am prepared to fully go by his ruling. While participating in the debate, Mr. Bhatia has made his point of view. I have no quarrel with that. He said, "Mr. Quattrocchi merely filing an appeal in the Swiss court doesn't mean that he was guilty." As some Members and I might have said. But in his overenthusiasm he added "any person who had been accused on a similar account.... *(Interruptions)*. ....

SHRI MADAN BHATIA : I have not said this.... *(Interruptions)*.... He is putting words which I have not said. I can't accept it. You may kindly see my speech. My speech is rather praising the hon. Members. His only object is just to interrupt me, to scuttle my speech.... *(Interruptions)*.... I can't accept it. You should be prepared to.... *(Interruptions)*.... falsehood on this hon. House. I must check them. Logically, I can't accept it.

SHRI KAMAL MORARKA : I want the attention of the Leader of the House .... *(Interruptions)*.....

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Why don't you hear him now?

SHRI KAMAL MORARKA : Sir, the record is there. I never impute anything to anybody, least of all, Mr. Bhatia who is a lawyer. He did say that if anybody has an account, * * he would also be entitled to file an appeal and entitled to say that he was not guilty. All that I said was, "Don't refer to * So any * can't have an account because it is a FERA violation. I don't understand why he doesn't withdraw the portion, * * On the other hand, he can say 'any other person' or 'any other NRI'. He cannot say *

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : ठीक है, आप बैठ जाइए, मैं बताता हूं ....**(व्यवधान)**

SHRI V. NARAYANASAMY (Pondicherry) : He was citing an example.

SHRI KAMAL MORARKA : He can say "any member of my family".... *(Interruptions)*.... He cannot *.... *(Interruptions)*.....

**उपसभाध्यक्ष (श्री शंकर दयाल सिंह)** : कमल मोरारका जी, आपने अपनी बात कह दी....**(व्यवधान)** आप मेरी बात सुनिए ....**(व्यवधान)** आपने अपनी बात कह दी, जो दी, जो प्वाइंट आफ आर्डर था । मदन भाटिया जी ने कहा कि मैंने यह नहीं कहा है । मैं खुद रिकार्ड को देखूंगा, क्या इसमें उचित है, क्या अनुचित है । अगर कोई अनुचित बात कही गई होगी, तो उसका फैसला मैं करूंगा ।

SHRI V. GOPALSAMY : Mr. Vice-Chairman. Sir, I am on a point of order.

SHRI KAMAL MORARKA : Sir, please allow Mr. Bhatia to make his submissions .... *(Interruptions)*.....

SHRI V. GOPALSAMY : I am on a point of order.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Now there is no question of any point of order.

SHRI KAMAL MORARKA : Sir, this is not proper. I never scuttled his speech. He wants to speak tomorrow. We do not want to hear him tomorrow. We have had enough of him.... *(Interruptions)*.... we do not want him for another day. Let him finish today.

SHRI V. GOPALSAMY : With your permission, Mr. Vice-Chairman, I want to make this submission.

SHRI KAMAL MORARKA : For how many minutes. Mr. Bhatia is going to speak ? Let him finish today. He cannot speak tomorrow .... *(Interruptions)*.....

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : Mr. Kamal Morarka, first go to your seat.... *(Interruptions)*.... I am not allowing anybody.... *(Interruptions)*.... What is this ? I am not allowing anybody. Please take your seats.

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* Expunged as ordered by the Chair.

SHRI V. GOPALSAMY : We have been waiting for the last so many days.

SHRI V. NARAYANASAMY : We have been discussing that matter. . . .(*Interruptions*). . . .What is the logic ?

SHRI KAMAL MORARKA : We want to hear Mr. Bhatia today. . . .(*Interruptions*). . . .

SHRI V. NARAYANASAMY : We can sit late and finish this debate if you want.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : I am calling Mr. Rajesh Pilot for his statement. Mr. Rajesh Pilot.

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## STATEMENT BY MINISTER

**Killing of Bus Passengers in Kishtwar, District Doda, Jammu and Kashmir, on 14th August, 1993**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT) : Mr. Vice-Chairman, with your permission, I make a statement on the incident of killing of bus passengers in Kishtwar, District Doda, Jammu and Kashmir, on 14th August, 1993. Sir, I regret to inform this august House that in an unfortunate incident, which took place in Kishtwar, District Doda, Jammu & Kashmir, on 14th August, 1993, 16 persons lost their lives. These persons, alongwith other passengers, were travelling in a bus which left Kishtwar for Jammu at 6 AM on 14th August, 1993. After travelling 7 Kms from Kishtwar, the bus was intercepted by three masked terrorists and the driver was forced to take the bus towards a link road for Sarthal. The bus was taken near a nallah about one kilometer from the main road. The terrorists made the passengers get down and asked the women and chaildren to stand on one side and segregated the rest of the passengers on communal basis. 16 persons of one community were fired upon by the militants in cold blood with AK-56 rifles. The other passengers were ordered by them to run away. Some of them managed to reach the main road from where they boarded a bus and returned to Kishtwar and informed the Police and Para Military Forces. The security forces, led by a Commandant of BSF, proceeded to the spot immediately alongwith contingents from the Army and the J&K Police. On reaching the spot, they found 14 persons dead and 2 injured. The injured persons were immediately shifted to Kishtwar, where one of them succumbed to his injuries in the hospital. The other injured person was air lifted to Jammu. He also expired in the hospital in Jammu. The deceased included the driver and the conductor of the ill fated bus. Amongst those killed, three belonged to Udhampur, four to Jammu and eight to Kishtwar and surrounding areas. One person is yet to be identified.

The security forces are making all possible efforts to apprehend the militants and combing operations have been launched in the thick jungles in the areas of Sarthal, into which the militants are suspected to have escaped. The Inspector General of Police and Divisional Commissioner, Jammu visited Kishtwar and Doda to review the security and other arrangements. The Government of Jammu and Kashmir has announced ex-gratia relief of rupees one lakh each to the next of kin of the deceased persons.

As a precautionary measure, curfew was imposed in Kishtwar and Bhaderwah. The district authorities in all districts of the Jammu Region have been alerted and asked to maintain the utmost vigilance to prevent untoward incident. The DIG BSF, DIG Doda and Deputy Commissioner Doda are camping at Kishtwar to supervise the operations by the security forces. The State Government is maintaining a close watch over the situation.

On 15 August, some miscreants intercepted a truck and roughed up two persons of the other community at Udhampur. An attempt was also made to set a truck on fire but the situation was controlled through timely intervention by the Police. In Chinani, in Doda District, some miscreants pelted stones on a few trucks carrying fruits and damaged their glass panes, following the cremation of some of the deceased persons.

In the recent months continued efforts have been made by the militants to spread violence to the Jammu region in general and Doda District in particular. Their aim is not only to divert the attention of security forces from Kashmir Valley, where they have been under great pressure for the last few months, but to also communalise the situation. The dastardly and cowardly act of cold blooded killing of innocent passengers of one community on 14th August exposes the designs of the terrorists and their supporters across the border. This act needs to be unequivocally condemned.

I would like to assure the House that we are alive to the situation and are determined to frus-